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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/564,376

01/11/2006

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EXAMINER

KLIMOWICZ, WILLIAM JOSEPH

ART UNIT

PAPER NUMBER

2627

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/564,376	Applicant(s) KURITA ET AL.	
	Examiner William J. Klimowicz	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/11/06</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement filed January 11, 2006 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

Claim Objections

Claims 2 and 6 are objected to because of the following informalities:

- (i) With regard to claim 2 (line 7), the word “sad” should be spelled as the word --said--.
- (ii) With regard to claim 6 (line 12), the word “for” should be changed to the word --from--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The following phrase(s) lack clear antecedent basis within the claim(s), i.e., either the particularly recited passage fails to be properly introduced prior to its appearance at that point in the claim or the structure recited in the passage is not an inherent part of or component of the previously recited structure:

- (i) Claim 4 (line 2) “said recording and/or reproducing apparatus.”
- (ii) Claim 5 (line 3) “said recording and/or reproducing aperture.”
- (iii) Claim 6 (line 8) “said lock member.”

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Kamaya et al. (JP 11-339426 A).

As per claims 1, 2 and 6, Kamaya et al. (JP 11-339426 A) discloses a shutter unit for a disc cartridge (e.g., 71 - see FIGS. 17-20) comprising: a shutter unit (75) for opening/closing an aperture (73) of a disc cartridge (71), having a disc (70) accommodated in the inside thereof, said aperture (73) serving for exposing a portion of a recording area of said disc (70) to outside; a lock unit (81-83, 85-88) rotationally mounted to said shutter unit (75) and adapted for engaging with an engagement part (84) provided to said disc cartridge (71); and biasing means (76) for

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biasing said shutter unit (75) in a direction of engaging said lock unit (81-83, 85-88) with said engagement part (84).

Additionally, as per claim 2, the disc cartridge (71) comprises: a disc (70); a main cartridge body unit (71) having said disc (70) rotatably housed therein and including the aperture (73) for exposing a part of said disc (70) across the inner and outer rims of the disc (70); and a biasing member (83) for biasing said lock unit (81-83, 85-88) in a direction of engaging with said engagement part (84).

As per claim 3, wherein said lock unit (81-83, 85-88) is rotated by a shutter unit movement controlling means (e.g., 93, 94) so as to be disengaged from said engagement part (84), said shutter unit movement controlling means (93, 94) being mounted to a recording and/or reproducing apparatus for controlling the movement of said shutter unit (75) relative to said main cartridge body unit (71).

Additionally, as per claim 6, a recording and/or reproducing apparatus is provided, including the device for opening the shutter unit (93), comprising: a cartridge holder (e.g., the means with the apparatus for securely holding the cartridge (71) while the shutter is opened) into which is inserted the disc cartridge (71) including the disc (70), the shutter unit (75) mounted movably to said main cartridge body unit (71) for opening or closing said aperture (73), the lock unit (81-83, 85-88) for locking said shutter unit (75) in a position of closing said aperture (73), the engagement part (84) provided to said main cartridge body unit (71) for engagement by said lock member (81-83, 85-88), and a biasing member (83) for biasing said lock unit (81-83, 85-88) in a direction of engaging with said engagement part (84); a shutter unit movement controlling part (e.g., 93, 94) provided to one side (i.e., a side, any side) of said cartridge holder; and a

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recording and/or reproducing unit (means for reading/recording from disc (70)) for recording and/or reproducing the information for said disc cartridge (71) introduced into said cartridge holder; said lock unit member (81-83, 85-88) being rotated by said shutter unit movement controlling part (93, 94) when said disc cartridge (71) is introduced into said cartridge holder to release the engagement by said engagement part (84).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamaya et al. (JP 11-339426 A) in view of Shimazaki (JP 2001-357650 A).

See the description of Kamaya et al. (JP 11-339426 A), *supra*.

As per claim 4, Kamaya et al. (JP 11-339426 A) remains silent with respect to wherein an inserting end of said main cartridge body unit into said recording and/or reproducing apparatus is a substantially semicircular arcuate section, centered about the center of said disc, accommodated in said main cartridge body unit, said aperture being formed for opening to a lateral side of said main cartridge body unit other than the lateral side formed as said arcuate section.

Such structure, however, is well known. As just one example, Shimazaki (JP 2001-357650 A) discloses an analogous disk cartridge (1) in which an inserting end (at (b) in FIG. 3) of a main cartridge body unit (1) into a recording and/or reproducing apparatus is a substantially semicircular arcuate section (e.g., see FIGS. 1-5), centered about the center of a disc (2), accommodated in said main cartridge body unit (1), a disk aperture (at (3)) being formed for opening to a lateral side of said main cartridge body unit (1) other than the lateral side formed as said arcuate section (at (b)).

Additionally, as per claim 5, wherein the shutter unit (3) is moved along the lateral side of said main cartridge body unit (1) other than the lateral side formed as said arcuate section for opening/closing said recording and/or reproducing aperture (at (3)).

Given the express teachings and motivations, as espoused by Shimazaki (JP 2001-357650 A), it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the disk cartridge structure as set forth in claims 4 and 5, as disclosed by Shimazaki (JP 2001-357650 A), to the cartridge of Kamaya et al. (JP 11-339426 A).

The rationale is as follows: one of ordinary skill in the art would have been motivated to provide the disk cartridge structure as set forth in claims 4 and 5, as disclosed by Shimazaki (JP 2001-357650 A), to the cartridge of Kamaya et al. (JP 11-339426 A) in order to prevent erroneous insertion of a cartridge into a device which opens the shutter from the side of the cartridge reproducing device, as taught by Shimazaki (JP 2001-357650 A).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William J. Klimowicz whose telephone number is (571) 272-7577. The examiner can normally be reached on Monday-Friday (7:30AM-6:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William R. Korzuch can be reached on (571) 272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/William J. Klimowicz/

Primary Examiner, Art Unit 2627